A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, September 28, 2016 at 7:00 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 6 Reporters ----------------------- 2

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

Roll call: Council President Hudanich Present

Councilman Burns Present

Councilman Covington Present

Councilman Dean Present

Council Vice President McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

William McCormick, Chief of Police

Ed Dean, Fire Chief

Thomas R. Thornton, P.E., Borough Engineer, Mott Macdonald, LLC

Dr. Stewart Farrell, Stockton University

Neil Hensel, Chairman, Planning/Zoning Board

Dr. Brian Reynolds, Chairman, Environmental Commission

Erin Brown, Library Director

Jacqueline Ewing, President, Board of Trustees, Avalon Public Library

Nina Ranalli, Director, Avalon History Center

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 22, 2016. It was given to the news media and posted on the Official Bulletin Board as required by law.

**Introduction of new Library Director Erin Brown.**

Jacqueline Ewing introduced Council and the public to the new Library Director, Erin Brown. Erin joins the Avalon Free Public Library after seven years as the Head of Adult Services for the Atlantic City Free Public Library. The competition for the Library Director was very intense. Thirty-two applications were received, and seven candidates were interviewed. The first interview questioned candidates about Avalon, the community, and what would be expected from the new Library Director during which Erin was very poised and thoughtful. Erin attended a second interview with Council Vice President McCorristin and Carl Mattia, and it was clear she was the best candidate for the position. Erin joins Nina Ranalli, the Director of the Avalon History Center as co-directors reporting directly to the Library Board of Trustees equally. The Library and the Board of Trustees are very pleased to introduce Erin Brown and are looking forward to many years of working well together.

Council welcomed Erin Brown to the Avalon community and congratulated her on her new position of Library Director.

Council President Hudanich thanked Jacqueline Ewing and all involved in the interview process for their diligence in finding the best candidate for the position.

Council Vice President McCorristin noted Erin recently attended a community function, and believes she will be a great asset to Avalon and the community.

Discussion regarding 3rd quarter beach review survey.

Scott Wahl explained Dr. Farrell regularly surveys the Avalon beachfront before and after storm events to evaluate how the Avalon beachfront fares during a storm event. On Labor Day, a discussion took place with Dr. Farrell regarding surveys to be conducted after Tropical Storm Hermine. With Dr. Farrell’s guidance, it was decided to survey the entire beachfront. Approximately a week ago, Dr. Farrell presented a very detailed report that could provide the Borough with an opportunity to evaluate what strategies will be used moving forward regarding beach replenishment. Dr. Farrell’s survey of the Avalon beachfront following Tropical Storm Hermine showed approximately 150 feet of oceanfront from 10th Street south to 15th Street showed a significant loss with rocks exposed. Without the leadership from Council and the participation from the Department of Public Works, the outcome could have been much different if the Borough had not completed the most recent backpassing project. As Council may recall, during the backpassing project, the excavation area was around 35th Street Beach. In that location after the storm event, there was a 197 foot shoreline advance at 35th Street, which is six times larger than any other site. During the backpassing project, 36 cubic yards per foot were removed, and by September, 32 cubic yards per foot were replaced. From 44th Street south, Hermine built a berm and moved sand closer to the beach within the offshore bar, and there was no damage to the dunes. The net gain of sand along the entire ocean front was 112,000 cubic yards. In a meeting with Dr. Farrell, representatives from Mott MacDonald, and the Mayor, future opportunities for backpassing were discussed to help offset costly hydraulic beach fills in the future as well as extend the life of those hydraulic beach fills. Currently, a Shore Protection Study is being done, and upon completion of that study, those options can be explored.

Stewart Farrell reported regular surveys were taken of the Avalon beachfront in March, June, and right after Tropical Storm Hermine. The surveys showed the largest impact was to the beaches between 10th Street and 15th Street. During the recent backpassing project, 51,000 cubic yards of material was placed in that area, and during the storm approximately 40 yards of material was moved south. The cost realized by backpassing projects is significantly smaller than that of a hydraulic beach fill. The mobilization costs for hydraulic dredge have increased to multimillion dollars. For a hydraulic beach fill, the first yard of material costs approximately $1.5 million, with a cost between $8.75 and $10.50 for each additional cubic yard. The proposed borrow sites for Avalon in the event of a backpassing project would be in the middle of the island. Unfortunately, Piping Plovers tend to nest within the proposed borrow area, which may not be approved by the Department of Environmental Protection to borrow from that specific location. Ludlam Island has recently become a Federal Shore Protection project, and as a result the Army Corp of Engineers has pumped 3.5 million cubic yards of sand on Ludlam Island starting at the end of 2015. After Winter Storm Jonas, an additional 600,000 additional yards have been placed on Ludlam Island as a repair. The high volume of sand is expected to cause dramatic changes as it moves toward Townsend’s Inlet and could possibly reestablish a mechanism to send sand by the inlet to the Avalon shoreline. In this afternoon’s meeting, hydraulic fill was discussed, which is not expected to be a large project. After the hydraulic fill is completed, it is suggested to use backpassing projects to extend the life of hydraulic fills to avoid completing those types of projects as often. As of now, hydraulic fills are on a three year maintenance schedule that could possibly be extended to six or seven years with the use of backpassing projects. If the issues can be resolved in connection with the Piping Plovers habitat, sand could be moved to the areas impacted the most by Tropical Storm Hermine and could be either stockpiled or spread in the areas most prone to erosion to essentially slow the process down enough to extend the life of any hydraulic beach fill.

Scott Wahl asked Dr. Farrell to review both the north and south borrow areas as well as the amount of material that could potentially be used.

Stewart Farrell explained the Endangered Species Program determined that excavation of beach sand from 48th Street to 56th Street is prohibited to avoid the habitat being reduced in size as well as the removal of any food source from the baby chicks that eat microorganisms between the sand grains. Recently, three series of tests of the sand have been taken to determine the number of microorganisms in the sand. Those studies found that there was no serious loss of food source as a result of scraping. The goal is to ask the Endangered Species Program to allow excavation of the entire area where sand accumulates by presenting those test results. There is between 50,000 and 60,000 cubic yards in the north end borrow area, and between 80,000 and 100,000 cubic yards in the south end borrow area that could be excavated and moved to another location. Stewart Farrell (continued) Studies show that at the rate the sediment is moving into the borrow areas of Avalon, if the sand is removed during the month of March, most of the sand is replaced by September.

Council President Hudanich noted the economic feasibility of backpassing and expressed hope that the federal government will not decide to overtake the management of Avalon’s beachfront. She also expressed excitement that the federal beach fill on Ludlam Island could help restore Avalon’s shoreline naturally.

Scott Wahl noted there are a limited number of companies that offer hydraulic beach fill services and it is a very competitive and demanding market after the devastation left behind by Superstorm Sandy. He stressed the importance of completing backpassing projects to extend the life of hydraulic beach fills. Backpassing projects are more economically efficient and help to provide the Borough more flexibility of when the shoreline needs repair rather than waiting for the federal government to help fund hydraulic fills as well as contracting a company for that purpose.

Councilman Covington spoke in support of completing more frequent backpassing projects as a continuous process. He pointed out there have been permitting issues that have prevented similar projects in the past.

Stewart Farrell responded there previously was a reluctance on the part of the permitting agencies to allow such projects.

Councilman Covington suggested addressing the permitting issues prior to planning for routine backpassing projects.

Scott Wahl reported he recently attended a Cape May County Conference of Mayors round table meeting along with Kerry Pflugh from the Department of Environmental Protection where it was suggested that the Department of Environmental Protection address this issue. Ms. Pflugh supported the suggestion and would be taking it to the Commissioner.

Council President Hudanich supports better communication and collaboration among the agencies within the State and stressed the importance of ensuring the guarantee of no negative environmental impacts. She thanked Dr. Farrell for his hard work in completing all of the surveys of Avalon’s beachfront.

Councilman Burns inquired if the hook added to the jetty would affect the path of the sand coming into Townsend’s Inlet from Ludlam Island.

Stewart Farrell explained the dredge channel was moved from directly off of Avalon’s north shore to 1,000 feet off shore, which affected the flow of water and sand to Avalon’s north end. Due to that change, it will take more sand to flow through Townsend’s Inlet before it accumulates on Avalon’s north shore. The sand now needs to fill in around the end of the jetty so that the waves break. Once the waves start breaking there, it will reach the shore.

Council President Hudanich asked if there is any evidence of the breakwater reef in recent studies.

Stewart Farrell guaranteed the breakwater reef is still in the same location, however the breakwater reef has not been seen in surveys since 1995.

Councilman Burns questioned if side casting is legal.

Stewart Farrell responded yes, however the process is not encouraged.

Council President Hudanich asked what the next steps should be to conduct regular backpassing projects.

Stewart Farrell explained Avalon’s permits will expire soon, and suggested when applying for new permits, it should be attempted to build backpassing into the structure of the permit with the Bureau of Coastal Engineering as part of the methodology intended to be used.

Councilman Burns questioned when the current permits expire.

Tom Thornton responded the permits expire in early 2017.

Stewart Farrell added Governor Christie previously extended permits three times with Permit Extension Acts after Superstorm Sandy. The last Extension Act allowed the extension of permits to December 31, 2016.

Councilman Burns stressed the importance of beginning the permit application process as soon as possible to be prepared for backpassing during the winter.

Scott Wahl explained it would be prudent to evaluate how much the exercising of the Coastal Barrier Resources Act would prevent Stone Harbor from harvesting sand from Hereford Inlet for their beach fill. That evaluation would help predict how a hydraulic beach fill in Avalon may be impacted. The current base bid for a hydraulic beach fill in Avalon is 145,000 cubic yards. The Department of Public Works has inquired if a backpassing project would take place next year. He suggested planning for a backpassing project in 2017.

Councilman Burns asked if there are plans to be ready for a backpassing project with permits.

Scott Wahl responded yes.

Further Discussion regarding Ordinances amending Chapter 19 (Flood Damage Prevention) and Chapter 27 (Zoning).

Jim Waldron explained at the last meeting, Council had an opportunity to review a preliminary draft of a proposed amendment to Chapter 19. At that time, it was identified that there were conflicts between Chapter 19, which is the Flood Damage Prevention Ordinance and the Zoning Ordinance. The recommendation was to recommend an amendment to the Zoning Ordinance to delete specific references to the FEMA maps and simply indicate within the Zoning Ordinance that the maps that will be controlling are as set forth in Chapter 19 to the Planning Board. The Borough is facing an October 1 deadline because of a very late notice that came from the federal authorities regarding a recertification for this year, which has been completed, signed by the Mayor and sent via FedEx to be filed with the Flood Insurance Program regulators by the deadline. A certification that Borough Council was considering an amendment to Chapter 19 as well as Chapter 27 was also provided. In order for Chapter 27 to be effective, it must be referred to the Planning Board and they must then issue a report that it is consistent with the Master Plan, at which point it would again come before Council. After discussion with the Recertification Committee, it was determined that for an abundance of caution, Council would be asked to consider adopting a formal Resolution tonight that would refer both Ordinances to the Planning Board for their review to avoid jeopardizing Avalon’s standing in the program.

Council President Hudanich supported exercising additional caution and supports considering the Resolution at tonight’s meeting.

Jim Waldron added the Solicitor for the Planning Board has been involved in the discussions up to this date and has the draft Ordinances. The Secretary of the Planning Board has consulted with the Chairman who have agreed that this would be placed on the October agenda. If all goes as planned, the Ordinance could be introduced by Borough Council on October 26, 2016. Upon review of the proposed changes, Frank Bruton has identified that there is another map panel number 0234 that needs to be added to the Ordinance. Frank Bruton has also suggested additional language from the model Ordinance be incorporated into this Ordinance that the Borough is enforcing the panels that were adopted in 2014 and certain panels that were initiated in 2015. This language also goes on record by stating the Borough will enforce future guidance documents from FEMA when and as they become available.

Council President Hudanich agreed with the new language as suggested by Frank Bruton.

Jim Waldron added by using this language, it eliminates the need for further amendments as laws and regulations evolve.

Council agreed to proceed with the introduction of an Ordinance at tonight’s Regular Meeting amending Chapter 19 (Flood Damage Prevention) and the consideration of a Resolution to forward the proposed Ordinance amendments to the Planning Board for review.

Discussion regarding Resolution authorizing a Professional Services Contract with Blaney & Karavan as Special Counsel.

Jim Waldron explained this contract is essentially a continuation of the contract that was heretofore awarded to the firm of Blaney & Donahue. The Borough of Avalon previously awarded a contract to Michael Donahue appointing his firm as Municipal Prosecutor, and an additional contract as Special Councel for litigation and extraordinary events. Those contracts fixed the hourly rate at $145.00 per hour. That is unchanged since at least 2012 based on research. Additionally, he has also served as Special Counsel for rental license complaints. Mr. Donahue is now on the bench. That portion of the contract was not renewed back in January. Frank Guaracini was appointed as the Municipal Prosecutor pursuant to a Resolution adopted by Borough Council. There was an Assistant Prosecutor also appointed at the same time to avoid any conflict situation that may arise and make sure the court was covered in all respects, however the firm was not reappointed as Special Counsel, nor as Rental License Counsel. It is recommended that Council give consideration to making that appointment at this point in time. The contract term would be through the end of the year subject to renewal in January for another year.

Council agreed to proceed with a Resolution to be prepared for the October 12, 2016 Regular Meeting.

Discussion regarding Resolution opposing offshore drilling and seismic airgun blasting.

Scott Wahl reported correspondence was received from environmental issue group Oceana earlier this year alerting addressees that the federal authorities have opened the mid-Atlantic coastal region from New Jersey to Florida for seismic exploration and urged local municipalities oppose this type of exploration. Upon receipt of the correspondence, discussions took place with Brian Reynolds for the Environmental Commission to review the correspondence and determine their formal position on this issue. On September 26, 2016, the Cape May County Chamber of Commerce issued a bulletin encouraging businesses and local towns to take a position in favor of this opposition.

Brian Reynolds explained seismic airgun blasting is a process that is used by the oil and gas industry to identify and map deposits under the sea floor. It involves a vessel traveling in successive parallel lines towing one or more airgun array. Airguns release pressurized air bubbles to create powerful soundwaves that travel through the water and the sea floor to provide information on the properties of the geological formations. They can travel up to six miles below the sea floor. The soundwaves echo back to the surface, where they are captured by hydrophones. The blasts are repeated every ten to twelve seconds and can be repeated for days or weeks at a time. There are over one dozen air guns in any array and many ships can have several arrays. The sea surface covered by the largest towed seismic array is 21 times larger than the National Wall in Washington, D.C. The sounds under certain conditions can be heard up to 2,500 miles away. The area under consideration for this testing program runs from New Jersey to Florida. Fish species vary in their ability to detect and use sound, and therefore, seismic airguns have a range of impacts on fish. Studies have shown that the catch rates of fish found in this area can be dramatically reduced. Invertebrates could be impacted, which could impact shellfish and so forth. Marine mammals rely on sound for feeding, communication, navigation, and behaviors necessary for survival. Seismic airgun noise can cause many problems to these species. The President has put a hold on recovery of oil from sources off the Atlantic Coast until approximately 2022. Nevertheless, there are organizations that want to conduct seismic airgun studies in preparation for the possible lifting of that hold. The results of the surveys are given to geophysical companies to analyze the information to determine the presence of potential oil and gas deposits in the areas being surveyed. The oil and gas companies would then drill test wells to determine if the product is economically recoverable. If it is, they will construct drill rigs for the commercial extraction of oil and gas. Such a situation could have a disastrous effect on Brian Reynolds (continued) the tourism and fishing economy of New Jersey in the event of a leak or spill. Cape May is one of the highest fish landing sites on the mid-Atlantic coast. Almost 120 communities on the east coast have passed Resolutions and written to the Secretary of the Interior asking for a ban on seismic airgun activity. In Cape May County, Resolutions have been passed by North Wildwood, West Wildwood, Stone Harbor and the Cape May County Chamber of Commerce all asking for a denial of the program. Both New Jersey Senators have written to the President asking for seismic airgun studies to be banned from the east coast. The Environmental Commission has reviewed the situation and sent a letter to Council indicating our concerns should seismic airgun blasting occur here.

Council agreed to proceed with a Resolution to be prepared for the October 12, 2016 Regular Meeting.

Public Comments:

None.

Motion made by Council Vice President McCorristin, seconded by Councilman Dean to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye Council Vice President McCorristin Aye

Council President Hudanich Aye

Work Session adjourned at 8:00 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council President